

State Laws Chart I: Liability Reforms

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
Alabama	<p>None on pain and suffering.</p> <p>Punitive damages capped at 3x compensatory damages or \$500k (1.5mil if a physical injury) whichever is greater. Ala. Code 6-11-21.</p> <p>(\$400k) P+S Cap was found unconstitutional in <i>Moore v. Mobile Infirmary Assn's</i>, 592 So.2d 156 (Ala. 1991).</p>	No. Each defendant is jointly and severally liable. <i>Matkin v. Smith</i> , 643 So. 2d 949, 951 (Ala.1994).	Collateral sources evidence admissible. Plaintiffs allowed to introduce evidence as to cost of obtaining collateral source as damages and collect these damages from defendants. Alabama Code § 6-5-522.		Yes for awards of future damages in excess of \$150,000. Alabama Code § 6-11-3(3)(c)(1).
Alaska	<p>\$250,000 cap on noneconomic damages;</p> <p>\$400,000 cap on noneconomic damages for wrongful death or severe permanent physical impairment that is more than 70% disabling. Alaska Statutes § 09.55.549.</p>	Yes. Defendants are responsible only for their proportionate share of negligence. Alaska Statutes § 09.17.080(d).	After the factfinder has rendered an award, and not including evidence of benefits received from a federal program that must subrogate, or death benefits paid under a life insurance policy. Alaska Statutes § 09.17.070.		Yes. Court may enter periodic payment award for future damages at plaintiff's request. Alaska Statutes § 09.17.040(d).
Arizona	None - Constitution prohibits limiting recoverable damages.	Yes. Defendants are responsible only for their proportionate share of negligence, except where co-defendants act in concert or a person is an agent or servant of a party, or violations of duties created under the Federal Employer's Liability Act. Arizona Statutes § 12-2506 (2001).	<p>Collateral Source Rule applies.</p> <p>Discretionary in cases of medical malpractice. Defendant may submit evidence of collateral sources of payment and claimant may submit evidence of amount paid to secure benefits. AZ Rev Stat § 12-565 (2014). <i>See Lopez v. Safeway Stores, Inc.</i>, 129 P.3d 487, 496 (Ariz. 2006).</p>	No. But at the request of any party the court shall review the reasonableness of each party's attorney's fees. Arizona Statutes § 12-568.	Found unconstitutional <i>Smith v. Myers</i> , 887 P.2d 541 (Ariz. 1994).

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Arkansas	<p>None.</p> <p>(a) Except as provided in subsection (b) of this section, a punitive damages award for each plaintiff shall not be more than the greater of the following:</p> <p>(1) Two hundred fifty thousand dollars (\$250,000); or</p> <p>(2) Three (3) times the amount of compensatory damages awarded in the action, not to exceed one million dollars (\$1,000,000).</p> <p>(b) Subsection (a) of this section shall not apply when the finder of fact:</p> <p>(1) Determines by clear and convincing evidence that, at the time of the injury, the defendant intentionally pursued a course of conduct for the purpose of causing injury or damage; and</p> <p>(2) Determines that the defendant's conduct did, in fact, harm the plaintiff.</p> <p>(c) As to the punitive damages limitations established in subsection (a) of this section, the fixed sums of two hundred fifty thousand dollars (\$250,000) set forth in subdivision (a)(1) of this section and one million dollars (\$1,000,000) set forth in subdivision (a)(2)</p>	<p>Pure several liability, tortfeasor only liable for their proportion of the negligence. Arkansas Code § 16-55-201 (2003).</p>	<p>No. Recovery of damages for past necessary medical care, past necessary medical treatment, or past necessary medical services received includes only those costs actually paid by or on behalf of the plaintiff or that remain unpaid and for which the plaintiff or any third party is legally responsible. HB 1204 (2025).</p>		<p>Yes. Mandatory, upon motion by either party, for future damages in excess of \$100,000. Arkansas Code § 16-114-208.</p>

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	of this section shall be adjusted as of January 1, 2006, and at three-year intervals thereafter, in accordance with the Consumer Price Index rate for the previous year as determined by the Administrative Office of the Courts. Arkansas Code § 16-55-208.				
California	In 2022, California enacted AB 35. Noneconomic damages in cases <u>not involving a patient death</u> are capped at \$350k starting January 1, 2023, with an incremental increase over the next 10 years to \$750k and a 2.0% annual inflationary adjustment after that. As of Jan.1, 2025, the cap is \$430k. Cases <u>involving a patient death</u> will have a limit of \$500k on the effective date of January 1, 2023, with an incremental increase over the next 10 years to \$1 million and a 2.0% annual inflationary adjustment thereafter. As of Jan. 1, 2025, this cap is \$600k. Cal. Civ. Code 333.2.	Yes. Defendants are proportionately liable for noneconomic damages. However, they are jointly and severally liable for economic damages. California Civil Code § 1431.2(a) (2015).	Collateral Source Rule applies. <i>See Howell v. Hamilton Meats & Provisions, Inc.</i> , 257 P.3d 1130 (Cal. 2011). In cases of medical malpractice defendant may introduce evidence of collateral sources of payment, claimant may introduce evidence of amount paid to secure benefits. California Civil Code § 3333.1.	Yes. (1) 25% contingency fee limit for claims resolved PRIOR to civil complaint being filed or arbitration demand being made; (2) 33% contingency fee limit for claims resolved AFTER civil complaint is filed or arbitration demand is made. California Business and Commerce Code § 6146.	Yes. Per AB 35 (2022) at the request of either party, periodic payments can be utilized for future economic damages starting at \$250,000. California Code of Civil Procedure § 667.7.
Colorado	Prior to Jan. 1, 2025, noneconomic damages in medical malpractice actions were limited to \$300,000. Starting Jan. 1, 2025, the bill	Yes. Defendants are responsible only for their proportionate share of negligence unless persons have consciously conspired and	Yes. Benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit. Colorado Revised Statutes § 13-21-111.6.		Yes. Mandatory for awards of future damages greater than \$150,000. Discretionary for damage awards \$150,000 or less. Colorado Revised Statutes § 13-64-203.

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	incrementally increases the noneconomic damages limitation to \$875,000 over the course of 5 years. Thereafter, the cap is adjusted biennially for inflation. Colorado Revised Statutes § 13-80-102.5. Beginning January 1, 2025, the cap on medical malpractice wrongful death damages limitation to \$1.575 million over the course of 5 years. Thereafter, the cap is adjusted biennially for inflation.	deliberately pursued a common plan or design to commit a tortious act. Colorado Revised Statutes § 13-21-111.5.			
Connecticut	None.	Yes. Defendants are responsible only for their proportionate share of negligence. However, if within one year after the final judgment the court determines that all or part of a defendant's proportionate share is uncollectible, it shall reallocate the uncollectible noneconomic damages among other defendants according to their percentages of negligence. The court may not reallocate to any such defendant an amount greater than that defendant's percentage of negligence multiplied by such uncollectible amount. Connecticut General Statutes § 52-572h(c).	Yes. Benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit. Connecticut General Statutes § 52-225a(a)–(b).	Yes. Limited to 33 1/3% of the first \$300,000; 25% of the next \$300,000, 20% of the next \$300,000, 15% of the next \$300,000, and 10% of amounts exceeding \$1.2 million. Title 52 Civil Actions Chapter 901 Damages Costs and Fees Connecticut General Statutes § 52-251c.	For damages exceeding \$200,000, the court shall give the parties 60 days to negotiate an agreement on method of payment, either in lump sum, periodic payments, or a combination thereof. If they cannot agree, the judge must order payment in a lump sum. Connecticut General Statutes § 52-225d.
Delaware	None.	No. Each defendant is jointly and severally liable. 10 Delaware Code § 6301; <i>Blackshear v. Clark</i> , 391 A.2d 747 (Del. 1978).	Yes. The defendant may offer evidence of certain public collateral sources. These sources may not include life insurance or private collateral sources. See <i>Mitchell v. Hunter</i> , 883 A.2d 32 (Del. 2005); <i>Onusko v. Kerr</i> , 880 A.2d 1022 (Del. 2005).	Yes. Fees are limited to 35% of the first \$100,000, 25% of the next \$100,000, and 10% of any remaining	Yes. Courts may order periodic payment. 18 Delaware Code § 6864.

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				award. 18 Delaware Code § 6865.	
District of Columbia	None.	No. Each defendant is jointly and severally liable. <i>National Health Laboratories, Inc. v. Ahmadi</i> , 596 A.2d 555 (D.C. 1991).	Collateral Source Rule applies. See <i>Hardi v. Mezzanotte</i> , 818 A.2d 974, 984 (D.C. 2003).		Yes, but not mandated.
Florida	None. \$500,000 damage cap overturned, <i>North Broward Hosp. Dist. V. Kalitan</i> , 219 So.3d 49 (Fla. 2017).	Yes. Defendants are responsible only for their proportionate share of negligence. Florida Statutes § 768.81(2) (2015).	Yes. The court must reduce damages by the amounts paid to the claimant from collateral sources. If a right of subrogation exists, there is no reduction in damages. Benefits received by the government sources are not considered collateral benefits. Florida Statutes § 768.76(1).	Patients receive 70% of the first \$250,000 awarded and 90% of the remainder of the award. Attorneys will still get payment for court and witness expenses. Patients may waive contingency fee limits. Fla. Const. Art. 1, § 26 (2021).	Yes. For future economic awards exceeding \$250,000, the court must order periodic payments at the request of any party unless the court determines that manifest injustice would result to any party. Florida Statutes § 768.78(1)(a).
Georgia	None for either wrongful death or non-wrongful death medical liability cases. Courts have thus far ruled that specific caps enacted by the legislature were unconstitutional.	Yes. Defendants are responsible only for their proportionate share of negligence. If the plaintiff is to some degree responsible for the injury or damages claimed, the judge must first decrease the damages based on the plaintiff's degree of fault. Georgia Code § 51-12-33 (2022).	If the plaintiff in any such civil action has any form of public or private health insurance, including benefits under a governmental workers' compensation program, evidence relevant to the determination of the reasonable value of medically necessary care, treatment, or services shall include both the amounts charged for past, present, or future medical and healthcare expenses and the amounts actually necessary to satisfy such charges pursuant to the insurance contract or the applicable governmental workers' compensation program, regardless of whether the health insurance has been used, is used, or will be used to satisfy such charges. SB 68 (2025).		Upon the request of either party, the court must establish a schedule of payments for future damages exceeding \$350,000. Georgia Code § 51-13-1(f).
Hawaii	\$375,000 cap on noneconomic damages, with exceptions for certain types of damage, i.e., mental anguish. Hawaii Statutes § 663-8.7.	Yes. Defendants are responsible only for their proportionate share of negligence, with the following exceptions: recovery of economic damages in actions involving injury or death, and noneconomic damages in such actions, where a tortfeasor's	Provides for the recovery of "reasonable value" of medical expenses. See <i>Bynum v. Magno</i> , 101 P.3d 1149, 1155–57 (2004).	In all tort actions, fees shall be limited to a reasonable amount as approved by the court. Hawaii Statutes § 607-15.5.	

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		negligence is 25% or more; intentional torts; strict liability torts; and product liability torts. HRS § 663-10.9.			
Idaho	\$250,000 cap on noneconomic damages per claimant in all personal injury and wrongful death actions, effective in 2004. Cap has been adjusted annually starting on July 1, 2004, based on the average state wage increase. Cap does not apply to willful or reckless conduct or felonious acts. In 2024, the cap is \$490,512. Idaho Code § 6-1603.	Yes. Defendants are responsible only for their proportionate share of negligence, except where co-defendants were acting in concert, or a person is an agent or servant of a party. Idaho Code § 6-803; <i>Jones v. HealthSouth Treasure Valley Hosp.</i> , 206 P.3d 473 (Idaho 2009).	Damages plaintiff is allowed to recover reduced by amount actually paid by sources such as Medicaid and Medicare. Idaho Code § 6-1606.	In actions for personal injury, where the amount of plaintiff's claim for damages does not exceed thirty-five thousand dollars (\$35,000), there shall be taxed and allowed to the claimant, as part of the costs of the action, a reasonable amount to be fixed by the court as attorney's fees. For the plaintiff to be awarded attorney's fees for the prosecution of the action, written demand for payment of the claim and a statement of claim must have been served on the defendant's insurer, if known, or if there is no known insurer, then on the defendant, not less than sixty (60) days before the commencement of the action; provided that no attorney's fees shall be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff, prior to the commencement of	Yes. Upon the request of either party, at the discretion of the court, and only in PI cases, where damages exceed \$100,000. May not be ordered for intentional torts, gross negligence or an extreme deviation from reasonable standard of conduct. Idaho Code § 6-1602.

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				the action, amount at least equal to 90% of the amount awarded to the plaintiff. Idaho Code § 12-120(4).	
Illinois	No Cap. \$500,000 cap on noneconomic damages for awards against physicians. \$1 million cap on noneconomic damages for awards against hospital. (2005). Ruled unconstitutional – <i>LeBron v. Gottlieb Memorial Hospital</i> , 930 N.E.2D 895 (Ill. 2010).	Several liability only when a defendant is 25 percent or more at fault. Exception: environmental polluters and negligent parties in medical malpractice actions are always joint and severally liable. 735 Illinois Compiled Statutes § 5/2-1117.	Collateral Source rule applies. <i>See Wills v. Foster</i> , 892 N.E.2d 1018 (Ill. 2008).	Yes. Fees are limited to one-third of a plaintiff’s award. 735 Illinois Compiled Statutes § 5/2-1114.	Yes. Either party may elect or the court may order partial payment of future medical expenses through an annuity. The court must order the defendant to pay to the plaintiff 20% of the present cash value of future medical expenses and cost of life care. The remaining 80% shall be paid for through an annuity. Ruled unconstitutional – <i>LeBron v. Gottlieb Memorial Hospital</i> , 930 N.E.2D 895 (Ill. 2010). Note however, that the Illinois Supreme Court ruled only that the cap on noneconomic damages was unconstitutional. Because no part of the law was severable, e.g., those concerning periodic payments, those other provisions were rendered unconstitutional. Accordingly, the court stated that “We emphasize, however, that because the other provisions contained in Public Act 94-677 are deemed invalid solely on inseverability grounds, the legislature remains free to reenact any provisions it deems appropriate. <i>LeBron</i> , at 250.
Indiana	\$1.25 million total cap for any act of malpractice that occurs after 6/30/1999 and before 7/1/2017. \$1.65 million total cap for any act of malpractice that occurs after 6/30/2017 and before 7/1/2019. \$1.8 million total	Several liability for all but governmental entities and health care providers. Indiana Code § 34-51-2-8.	Yes. Trier of fact shall consider collateral sources of payment when determining award and court shall consider when reviewing awards that are allegedly excessive. Evidence of life insurance or other death benefits; benefits paid by claimant or family; or payments made by state or U.S. prior to trial shall not be considered collateral sources of payment. Indiana. Code § 34-44-1-2.	Yes. The plaintiff’s attorney’s fees may not exceed, for an act of malpractice committed: (1) before July 1, 2017, fifteen percent (15%) of any recovery from the Patient Compensation	Yes. Law permits, but does not require. Indiana Code § 34-18-14-4.

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	<p>cap for any act of malpractice that occurs after 6/30/2019.</p> <p>Health care providers are not liable for more than:</p> <ul style="list-style-type: none">• \$250,000 for an act of malpractice that occurs after 6/30/1999 and before 7/1/2017• \$400,000 for an act of malpractice that occurs after 6/30/2017 and before 7/1/2019; and• \$500,000 for an act of malpractice that occurs after 6/30/2019. <p>Any amount awarded in excess of the total liability of a health care provider is paid through the Patient Compensation Fund. Indiana Code § 34-18-14-3.</p>			<p>Fund; and (2) after June 30, 2017, thirty-two percent (32%) of any recovery. Indiana Code § 34-18-18-1.</p>	
Iowa	<p>In 2023, Iowa enacted HF 161. Noneconomic damages are limited to \$250,000 regardless of the number of plaintiffs, unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, loss of pregnancy, or death, which warrants a finding that the cap would deprive the plaintiff of just compensation. In such cases,</p>	<p>Yes. Defendants are responsible only for their proportionate share of negligence where a defendant is found to bear less than 50% of the total fault. If a defendant is 50% or more liable, he is jointly and severally liable for economic damages only. Iowa Code § 668.4.</p>	<p>Damages must be reduced by the amount received from collateral sources, “except to the extent that the previous payment or future right of payment is pursuant to a state or federal program or from assets of the claimant or the members of the claimant’s immediate family.” Iowa Code § 668.14.</p>	<p>No. But courts determine reasonableness of fee arrangements. Iowa Code § 147.138.</p>	<p>Iowa Code §§ 682.1 through 682.7.</p>

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	the cap cannot be more than \$1,000,000, or \$2,000,000 if the civil action includes a hospital. These caps increase by two and one-tenth percent on January 1, 2028, and each January 1 thereafter. Section 147.136A.				
Kansas	In 2019, the Kansas Supreme Court in <i>Hilburn v. Enerpipe Ltd.</i> , 309 Kan. 1127, 1144, 442 P.3d 509 (2019) ruled that a \$350,000 cap on noneconomic damages was unconstitutional.	Yes. Defendants are responsible only for their proportionate share of negligence. Kansas Statutes § 60-258a (2010).	Modified collateral source. “When a finder of fact is determining the reasonable value of medical services, the collateral source rule bars admission of evidence stating that the expenses were paid by a collateral source. However, the rule does not address, much less bar, the admission of evidence indicating that something less than the charged amount has satisfied, or will satisfy, the amount billed.” <i>Martinez v. Milburn</i> , 233 P.3d 205, 222 (Kan. 2010).		Not mandated.
Kentucky	None.	When court apportions percentage of fault, defendant is only liable for comparable share of damages. Kentucky Revised Statutes § 411.182.	Kentucky follows the Collateral Source Rule. <i>Daugherty v. Daugherty</i> , 609 S.W.2d 127 (Ky. 1980); <i>O’Bryan v. Hedgespeth</i> , 892 S.W.2d 571, 578 (Ky. 1995),		Not mandated.
Louisiana	\$500,000 cap on total damages, excluding damages recoverable for future medical care. A health care provider covered by the Patient’s Compensation Fund shall not be liable for more than \$100,000. The Patient’s Compensation Fund will cover the excess amount awarded up to the cap. Louisiana Revised Statutes § 40:1231.2	Damages may be several, joint, or solidary. Louisiana Revised Statutes § 1786.	Modified collateral source. Recovery of medical expenses is limited to the amount actually paid. However, the court shall award to the claimant 40% of the difference between the amount billed and the amount actually in consideration of the claimant's “cost of procurement.” La. R.S. § 9:2800.27.		Yes. For amounts paid by the state from the Patient Compensation Fund. Louisiana Revised Statutes § 40:1231.4.
Maine	In 2023, Maine expanded the previous \$750,000 cap on noneconomic damages in wrongful death actions to	No. Each defendant is jointly and severally liable except in cases where the plaintiff’s degree of fault is greater than the defendant’s.	Yes. Evidence is admissible after a verdict has been rendered, and the judgment must be reduced by the amount received from collateral sources. Maine Statutes, Title 24, § 2906.	Yes. Fees are limited to 33 1/3% of the first \$100,000; 25% of the next \$100,000; and	Yes. If damages exceed \$250,000, either party may request periodic payment. Maine Revised Statutes Title 24, § 2951.

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	\$100,00,000. Maine Revised Statutes Title 18-C, § 2-807.	<i>Paine v. Spottiswoode</i> , 612 A.2d 235 (Me. 1992). 14 M.R.S. § 156.		20% of amounts over \$200,000. Maine Revised Statutes Title 24, § 2961.	
Maryland	<p>The limit on noneconomic damages is frozen at \$650,000 until January 1, 2009, after which time the cap will increase annually by \$15,000 per year. For 2025, the cap is \$905k.</p> <p>This cap applies in aggregate to all claims and defendants arising from the same medical injury beneficiary. This cap applies in wrongful death actions if the claim involves only one claimant.</p> <p>If the wrongful death action involves two or more claimants or beneficiaries, the total cap on noneconomic damages is 125% of the current year’s cap. Maryland Courts & Judicial Proceedings Code § 3-2A-09.</p>	No. Each defendant is jointly and severally liable except when a plaintiff contributes to their own injuries. Maryland Code § 3-1401.	Collateral rule applies to tort cases generally. But in medical malpractice cases, a verdict for past medical expenses shall be limited to: (i) the total amount of past medical expenses paid by or on behalf of the plaintiff; and (ii) the total amount of past medical expenses incurred but not paid by or on behalf of the plaintiff for which the plaintiff or another person on behalf of the plaintiff is obligated to pay. Md. Courts and Judicial Proceedings Code Ann. § 3-2A-09. <i>Lockshin v. Semsker</i> , 412 Md. 257 (2010).	a) Action maintained in bad faith. If the arbitration panel finds that the conduct of any party in maintaining or defending any action is in bad faith or without substantial justification, the panel may require the offending party, the attorney advising the conduct, or both, to pay to the adverse party the costs of the proceeding and reasonable expenses, including reasonable attorney's fees, incurred by the adverse party in opposing it. A determination made under this subsection shall become part of the panel award and subject to judicial review. (b) Approval of disputed legal fee.—If a legal fee is in dispute, an attorney may not charge or collect compensation for services rendered in connection with an arbitration claim unless it is approved by the	Yes. Courts and arbitrators may order periodic payment. Maryland Courts & Judicial Proceedings Code § 3-2A-02.

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				arbitration panel, or by the court in the event an action to nullify a panel determination has been filed therein. Maryland Courts & Judicial Proceedings Code § 3-2A-07.	
Massachusetts	\$500,000 cap on noneconomic damages, with exceptions for proof of substantial disfigurement or permanent loss or impairment of a bodily function, or other special circumstances which warrant a finding that imposition of such limitation would deprive the plaintiff of just compensation for the injuries sustained. Massachusetts General Laws Chapter 231, section 60H.	No. Each defendant is jointly and severally liable. General Law - Part III, Title II, Chapter 231B, § 1.	Collateral Source Rule applies in tort cases. <i>See Law v. Griffith</i> , 930 N.E.2d 126 (Mass. 2010). But in cases of medical malpractice benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit. General Law - Part III, Title II, Chapter 231, § 60G.	Yes. Fees are limited to 40% of the first \$150,000; 33 1/3% of the next \$150,000 and 30% of the next \$200,000; and 25% of amounts exceeding \$500,000. An attorney may not take an amount that would leave the claimant with less than the amount of unpaid past and future medical expenses, with exceptions. Mass. Gen. Law ch. 231 § 60I.	
Michigan	There are two caps on noneconomic damages. (1) One cap applies to cases not covered by (2). This cap is adjusted annually for inflation and in 2024 was \$569k. (2) A different cap applies where the plaintiff is hemiplegic, paraplegic, or quadriplegic due to an injury to the brain or spinal cord, or where the plaintiff has permanently impaired cognitive capacity, or the plaintiff has had a permanent	Defendants in Medical Malpractice suits are jointly and severally liable. All others are purely several. MCLS § 600.6304.	Benefits from collateral sources must be disclosed and used to reduce recoverable economic damages, minus any amount paid by the claimant to secure the benefit. <i>See Michigan Compiled Laws § 600.6303.</i>	Rules limit contingency fees to one third of total compensation. Michigan Court Rule 8.121	

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	loss of or damage to a reproductive organ, then noneconomic damages shall not exceed \$500,000. In 2024 this cap was \$1,106,000. Michigan Compiled Laws § 600.1483.				
Minnesota	None.	<p>Pursuant to the plain language of Minnesota Statutes § 604.02, an employer subject to workers’ compensation laws cannot be held jointly and severally liable with a third-party tortfeasor, and thus third party tortfeasor is liable for the entire verdict awarded in a civil suit with no reduction for the employer’s fault. <i>Fish v. Ramler Trucking, Inc.</i>, 935 N.W.2d 738 (Minn. 2019).</p> <p>Yes. Joint and several liability law is abolished except for the following persons: persons who are greater than 50% at fault, persons who engage in a common scheme or plan that causes the injury, persons who commit an intentional tort, or persons whose liability is based on an environmental or similar statute. Minnesota Statutes § 604.02 (2003).</p>	Yes. Within 10 days of the verdict and upon motion of a party. In such cases, the court must reduce the award by the amount received from collateral sources. Such reduction shall be offset by any amount paid by the plaintiff to secure the award. Minnesota Statutes § 548.251.	If the fees for legal services provided to the plaintiff are based on a percentage of the amount of money awarded to the plaintiff, the percentage must be based on the amount of the award as adjusted under subdivision 3. Any subrogated provider of a collateral source not separately represented by counsel shall pay the same percentage of attorney fees as paid by the plaintiff and shall pay its proportionate share of the costs. Minnesota Statutes. § 548.251.	Yes. Court must hold hearing in cases where future damages exceed \$100,000 to allow the claimant to consider if damages should be paid periodically. Minnesota Statutes § 549.25.
Mississippi	\$500,000 cap on noneconomic damages per plaintiff. Mississippi Code § 11-1-60.	Yes. Defendants are responsible only for their proportionate share of negligence except where they consciously or deliberately pursue a common plan or design to commit a tortious act or actively take part in it. Mississippi Code § 85-5-7(2) and (4).	Collateral source applies and has no exceptions. <i>See Busick v. St. John</i> , 856 So. 2d 304 (Miss. 2003).		Mississippi Code §§ 11-57-1 through 11-57-15.
Missouri	In 2015, Missouri enacted a \$400,000 cap on	A defendant can only be held jointly liable for damages if the defendant	Parties may introduce evidence of the actual cost of the medical care or treatment rendered to the plaintiff.		Yes. In cases where payment for future damages exceeds \$100,000, court may

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	noneconomic damages generally and a \$700,000 cap on noneconomic damages for cases involving catastrophic injury. These caps increase by one and seven-tenths percent on an annual basis effective January first of each year. In 2024, the respective caps were \$450,000 and \$787,671. These caps apply irrespective of the number of defendants. Missouri Revised Statutes § 538.210.1.	is greater than 51% at fault. A defendant who is less than 51% at fault shall only be responsible for damages in proportion to his or her degree of fault. Missouri Revised Statutes § 537.067	“Actual cost of the medical care or treatment” is a sum of money not to exceed the dollar amounts paid by or on behalf of a plaintiff or a patient whose care is at issue plus any remaining dollar amount necessary to satisfy the financial obligation for medical care or treatment by a health care provider after adjustment for any contractual discounts, price reduction, or write-off by any person or entity. Missouri Statutes § 490.715.		order periodic payment upon request of either party. Court has upheld the constitutionality of this law. Missouri Revised Statutes § 538.220.
Montana	\$250,000 cap on noneconomic damages. Montana Code Annotated section 25-9-411	Any party whose negligence is 50% or less of the combined negligence of all persons is severally liable only. The remaining parties are jointly and severally liable for the total less the amount attributable to the claimant. A party may be jointly liable for all damages caused by the negligence of another if both acted in concert or if one party acted as an agent of the other. Montana Code § 27-1-703.	No. A plaintiff's recovery may not exceed amounts actually: (a) paid by or on behalf of the plaintiff to health care providers for reasonable and necessary medical services to the plaintiff; (b) necessary to satisfy charges that have been incurred and at the time of trial are still owing and payable to health care providers for reasonable and necessary medical services rendered to the plaintiff; and (c) necessary to provide for any future reasonable and necessary medical services for the plaintiff. Montana Code § 27-1-308.		Yes. Upon any party's request, the court must enter an order for periodic payment of future damages exceeding \$50,000. Montana Code 25-9-412.
Nebraska	Nebraska's caps include economic and noneconomic damages. Thus, the figures below represent a cap on a plaintiffs <i>total damage award</i> . For malpractice that allegedly occurred after December 31, 2014. The cap is \$2.25M.	Yes. Defendants are responsible only for their proportionate share of negligence, except where parties have acted in concert and caused harm as part of a common enterprise or plan. Nebraska Revised Statutes § 25-21,185.10.	Collateral source rule applies generally but tortfeasors may be indemnified if the tortfeasor contributed to the collateral source. <i>Strasburg v. Union Pacific R.R. Co.</i> , 839 N.W.2d 273, 275 (Neb. 2013).	No. But upon motion of either party, the court must review and determine reasonableness of fees. Nebraska Revised Statutes § 44-2834.	

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	Health care providers who qualify under the Hospital-Medical Liability Act (i.e. carry minimum levels of liability insurance and pay surcharge into excess coverage fund) shall not be liable for more than \$800,000 in total damages. Any excess damages shall be paid from the excess coverage fund. Nebraska Revised Statute 44-2825.				
Nevada	In June 2023, the Nevada governor approved AB 404. Prior to AB 404's enactment, noneconomic damages were capped at 350,000, regardless of the number of plaintiffs, defendants or theories upon which liability could be based. The cap has to be increased \$80,000 on January 1 of each year beginning on January 1, 2024, and ending on January 1, 2028, when the cap reaches \$750,000. Starting Jan. 1, 2029, the cap will be increased every year by 2.1%. As of January 1, 2025, the cap is \$510,000. NRS 41A.035	Yes. Defendants only severally liable for economic or noneconomic damages in medical liability cases. Defendants are jointly and severally liable in cases involving (a) strict liability, (b) an intentional tort, (c) the emission, disposal, or spillage of a toxic or hazardous substance, (d) the concerted acts of the defendants, (e) an injury to any person or property resulting from a product which is manufactured, distributed, sold, or used in this State or (f) where defendant does not allege comparative negligence as a defense Nevada Revised Statutes § 41.141; <i>Buck v. Greyhound</i> , 105 Nev. 756, 783 P.2d 437 (1989).	Yes. The judge must reduce the verdict by the amount of any collateral benefits. Third parties are no longer permitted to recover from the defendant the expenses they have paid on behalf of a medical liability victim. Nevada Revised Statutes § 42.021.	Yes. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of: 35 percent of the amount recovered. Nevada Revised Statutes § 7.095.	Yes. When an award equals or exceeds \$50,000 in future damages, the court must allow the same to be paid in periodic payments instead of a lump sum, if requested by either party. Nevada Revised Statutes § 42.021.
New Hampshire	None.	Yes, if a defendant is 50 percent or more at fault or if the defendants	Collateral Source Rule applies. <i>See Cyr v. J.I. Case Co.</i> , 652 A.2d 685 (N.H. 1994).	The court must approve fees for actions resulting in	Yes. The court has authority to order periodic payment. Specific

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
		acted in concert. New Hampshire Statutes § 507:7-e.		<p>settlement/judgment of \$200,000 or more. New Hampshire Statutes § 508:4-e.</p> <p>In any action for medical injury, no attorney representing any party to such action shall contract for, charge or collect on a contingent fee basis any fee for his services to such party in excess of the following limits:</p> <ul style="list-style-type: none">a. Fifty percent of the first \$1,000 recovered;b. Forty percent of the next \$2,000 recovered;c. Thirty-three and one-third percent of the next \$97,000 recovered;d. Twenty percent of all in excess of \$100,000 recovered;e. Where the amount recovered is for the benefit of an infant or incompetent and the action is settled without trial, the foregoing limits shall apply, except that the fee in any amount recovered up to \$50,000 shall not	<p>requirements for med mal cases have been ruled unconstitutional. <i>Carson v. Maurer</i>, 120 N.H. 925 (1980).</p>

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
				<p>exceed 25 percent. New Hampshire Statutes § 507-C:8.</p> <p>However, § 507-C:8 was ruled unconstitutional in <i>Carson v.</i> <i>Maurer</i>, 120 N.H. 925, 424 A.2d 825 (1980). <i>Carson</i> has been overruled, but not on these grounds.</p>	
New Jersey	Punitive damages limited to the greater of \$350,000; or five times compensatory damages. New Jersey Statutes § 2A:15-5.14.	Yes. Defendants are responsible only for their proportionate share of negligence if they are found to be less than 60% at fault. Defendants found to be 60% at fault are subject to a modified rule. New Jersey Statutes § 2A:15-5.3 (1995).	<p>Collateral source payments must be disclosed and deducted from claimant’s damages. New Jersey Statutes § 2A:15-97.</p> <p>The Third Circuit Court of Appeals has held that ERISA preempts this collateral source law. <i>Levine v. United Healthcare Corp.</i>, 402 F.3d 156 (3rd Cir. 2005).</p>	Yes. Fees may not exceed the following: 33 1/3% of the first \$500,000; 30% of the next \$500,000; 25% of the next \$500,000; 20% of the next \$500,000; and an amount the court deems reasonable for fees over \$2 million. New Jersey Court Rules § 1:21-7.	<p>Yes, New Jersey Statutes § 17:30D-27 (2020) states that:</p> <p>“Unless otherwise agreed to by the parties, in any judgment resulting from a medical malpractice action brought by a claimant for medical malpractice in which the noneconomic damages exceed \$1,000,000, the court shall enter a judgment ordering that 50% of the noneconomic damages be paid immediately, with the costs and attorney's fees to be paid from that amount. The remaining 50% of the judgment shall be paid over 60 months in the form of a structured payment agreement by any person, organization, group, or insurer that is contractually liable to pay the judgment.”</p>
New Mexico	In 2024, a \$5 million cap on total damages for hospitals, (excluding punitive damages (PD) and past and future medical care). In 2024, the cap for independent	Yes. Defendants are responsible only for their proportionate share of negligence except in cases where defendant intended to inflict injury, strict liability, vicarious liability or situations “having a sound basis in	Collateral Source Rule applies. <i>Sunnyland Farms, Inc. v. Central N.M. Elec. Co-op., Inc.</i> , 301 P.3d 387 (N.M. 2013).		Yes. Future medical expenses are paid as they are incurred by claimant. New Mexico Statutes § 41-5-7.

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	outpatient facilities is \$1m. For independent physicians, the cap in 2023 was 750k and it is adjusted annually per CPI. Any award in excess of these caps shall be paid by the patient compensation fund. New Mexico Statutes § 41-5-6.	public policy.” N.M. Stat. § 41-3A-1. <i>Lewis v. Sampson</i> , 35 P.3d 972 (N.M. 2001) (first of successive tortfeasors); <i>Saiz v. Belen School Dist.</i> , 827 P.2d 102 (N.M. 1992) (inherently dangerous activities).			
New York	None.	Yes. For noneconomic damages. Defendants are responsible only for their proportionate share of negligence if they are found to be 50% or less liable. Defendants can be held jointly and severally liable for economic damages. <i>Cooney v. Osgood Machinery</i> , 612 N.E.2d 277 (N.Y. 1993); Civil Practice Law & Rules Article 16 §§ 1600 — 1603.	Yes. Collateral sources of payment are admissible as evidence and must reduce the award by the amount recovered. Such reduction shall be offset by premiums paid by the claimant for the benefit for two years preceding the action and projected future costs of maintaining benefits. Civil Practice Law & Rules Chapter 8, Article 45 § 4545.	Yes. Fees are capped as follows: 30% of the first \$250,000; 25% of the next \$250,000; 20% of the next \$500,000; 15% of the next \$250,000; and 10% of fees of \$1.25 million or more. N.Y. Judiciary. Law § 474-a.	Yes. Future damages over \$250,000 must be paid periodically. Medical Malpractice. Civil Practice Law & Rules §§ 5031 to 5039.
North Carolina	In 2011, North Carolina enacted a \$500,000 noneconomic damages cap for all claims brought by all parties arising out of the same professional services. This cap is indexed every three years for inflation starting on January 1, 2014. (\$656,730 in 2023). There shall be no cap if the trier of fact finds both that (1) the plaintiff suffered disfigurement, loss of use of part of the body, permanent injury or death; and (2) the defendant's acts or failures, which are the proximate	No. Each defendant is jointly and severally liable, except if a plaintiff's failure to use ordinary care was a proximate cause of his or her injury, the plaintiff may not recover unless the case involves willful or wanton conduct by defendants. North Carolina General Statutes § 1B-2. <i>Brewer v. Harris</i> , 279 N.C. 288, 182 S.E.2d 345 (N.C. 1971).	Collateral Source Rule applies. <i>See Cates v. Wilson</i> , 361 S.E.2d 734 (N.C. 1987). <i>Hairston v. Harward</i> , 371 N.C. 647 (N.C. 2018).		

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	cause of the plaintiff's injuries, were committed in reckless disregard of the rights of others, grossly negligent, fraudulent, intentional or with malice. North Carolina General Statutes § 90-21.19.				
North Dakota	\$500,000 cap on noneconomic damages. North Dakota Century Code § 32-42-02.	Yes. Defendants are responsible only for their proportionate share of negligence except where defendants act in concert in committing, aiding, and encouraging, or ratifying or adopting a tortious act. North Dakota Century Code § 32-03.2-02.	Yes. Defendant may apply to the court for a reduction of economic damages based on collateral sources of payment. North Dakota Century Code §§ 32-03.2-06, 32-03.2-10.		Yes. In cases where future economic damages will be awarded for continuing institutional/custodial care lasting more than two years, a party may request periodic payments. Court has discretion to grant. North Dakota Century Code § 32-03.2-09.
Ohio	Cap on noneconomic damages of the greater of \$250,000; or three times economic damages up to a maximum of \$350,000 per plaintiff or \$500,000 if there are multiple plaintiffs. For catastrophic injuries the maximum may increase to \$500,000 per plaintiff or \$1 million for multiple plaintiffs. Ohio Revised Code § 2323.43.	Yes. Defendants are responsible for their proportionate share of negligence for noneconomic damages. For economic damages, defendants who are 50% or less at fault are responsible for their proportionate share of negligence, but defendants who are held more than 50% at fault are jointly and severally liable. Ohio Revised Code § 2307.22.	Yes. Defendants may introduce evidence of collateral sources of payments made to plaintiffs. The plaintiff may submit evidence of any amount the plaintiff has paid or contributed to secure the benefits. Ohio Revised Code § 2315.20.	No. But their fees are subject to approval by the probate court if their fees exceed the noneconomic damages awarded. Ohio Revised Code § 2323.43.	Yes. Court may award periodic payment of damages for awards that exceed \$50,000 if the plaintiff or defendant files a motion with the court. Ohio Revised Code § 2323.56.
Oklahoma	In 2011, Oklahoma enacted a \$350,000 cap on noneconomic damages, subject to exceptions. In 2019, however, the Oklahoma Supreme Court held that Oklahoma's cap on noneconomic damages was unconstitutional. <i>Beason v. I. E. Miller Servs., Inc.</i> , 441 P.3d 1107 (Okla. 2019).	Yes. In any civil action based on fault and not arising out of contract, the liability for damages caused by two or more persons shall be several only and a joint tortfeasor shall be liable only for the amount of damages allocated to that tortfeasor. Oklahoma Statutes § 23-15.	Yes. In any medical liability action, the court will admit evidence of payments made to the plaintiff from collateral sources unless the court makes a determination that the payment from a collateral source is subject to subrogation or other right of recovery. Oklahoma Statutes § 12-3009.1.	Yes. In contingency fee arrangements, attorney may not contract to receive more than 50% of the recovery. Oklahoma Statutes, Title 5 Attorneys and State Bar § 5-7.	Yes. For awards of future damages that exceed a present value of \$100,000.00, upon request of a party, the court may order, that future damages be paid in whole or in part in periodic payments rather than by a lump-sum payment. Periodic payments shall not exceed seven years from the date of entry of judgment. Oklahoma Statutes § 23-9.3.

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
Oregon	\$500,000 cap for noneconomic damages found unconstitutional in the Oregon Supreme Court in <i>Busch v. McInnis Waste Systems</i> , 468 P.3d 419 (Or. 2020).	Yes. Defendants are responsible only for their proportionate share of negligence, but if within one year after the final judgment the court determines that all or part of a defendant's proportionate share is uncollectible, it shall reallocate the uncollectible noneconomic damages among other defendants according to their percentages of negligence. Oregon Revised Statutes § 31.610.	Yes. <i>White v. Jubitz Corp.</i> , 347 Or. 212, 219 P3d 566 (2009) (holding defendants could introduce evidence of amounts written off). Oregon Revised Statutes § 31.580.	Partially. Attorney fees recovered from an award for punitive damages are limited to 20% of the 40% paid to the prevailing party. No limit on attorney fees for economic or noneconomic damages. Oregon Revised Statutes § 31.735.	
Pennsylvania	Constitution prohibits caps on noneconomic damages. Punitive damages are capped at 2 times actual damages.	Yes. Liability is several and not joint unless conduct involves an intentional misrepresentation or intentional tort or when the defendant has 60 percent or more of the judgment apportioned to him/her. 42 Pa. C.S. § 7102.	A claimant in a medical professional liability action is precluded from recovering damages for past medical expenses or past lost earnings incurred to the time of trial to the extent that the loss is covered by a private or public benefit or gratuity that the claimant has received prior to trial. 40 Pennsylvania Statutes § 1303.508. Pennsylvania courts have held that the collateral source rule does not apply to amounts written off by an insurer, since those amounts are never paid by any collateral source. <i>Moorhead v. Crozer Chester Med. Ctr.</i> , 765 A.2d 786, 790 (Pa. 2001).	No. Limits declared unconstitutional in <i>Heller v. Frankston</i> , 504 Pa. 528, 475 A.2d 1291 (Pa. 1984)	Yes. For future economic damages that exceed \$100,000; unless the claimant objects. 40 PS § at the behest of the white house for carrying out sustained covid program(b).
Rhode Island		No. Each party is jointly and severally liable. Rhode Island General Laws § 10-6-2.	Yes. Collateral source rule applies, except “in a legal action based upon a cause of action arising after January 1, 1987, for personal injury against a licensed physician, hospital, clinic, health maintenance organization, professional service corporation providing health care services under chapter 5.1 of title 7, dentist, or dental hygienist based upon professional negligence, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the personal injury pursuant to any state income disability or workers' compensation act, any health, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage, and any contract or agreement of any group, organization, partnership, or		Yes. Rhode Island General Laws § 27-9.1 through 27-9-7.

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
			corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or other health care services.” Rhode Island General Laws § 9-19-34.1.		
South Carolina	In 2005, South Carolina enacted a \$350,000 cap on noneconomic damages for a judgment against a single health care provider or institution. An award for noneconomic damages against two or more health care providers or institutions cannot exceed \$1.05 million with a single provider or institution not liable for more than \$350,000. These caps are adjusted annually for inflation based on the CPI. In 2024 the \$350,000 cap was adjusted to \$564,168 and the \$1.05 cap to \$1,692,503. South Carolina 15-32-200 et seq.	Partially. Defendants who are less than 50% at fault are liable only for their proportionate share of negligence. Defendants who are equal to or greater than 50% at fault can be held jointly and severally liable. South Carolina Code § 15-38-15.	Collateral Source Rule applies. “The only requirement for qualification as a collateral source is that the source be “wholly independent of the wrongdoer.” <i>New Foundation Baptist Church v. Davis</i> , 257 S.C. 443, 186 S.E. 2d 247 (1972).		
South Dakota	\$500,000 cap on noneconomic damages. South Dakota Codified Laws § 21-3-11.	No. Each party is jointly and severally liable, but parties who are allocated less than 50% of the total fault may only be jointly liable for more than 2xs the percentage of fault allocated to that party. South Dakota Codified Laws § 15-8-11.	Collateral source rule applies, except “[I]n a medical malpractice action, where a plaintiff seeks an award of special damages, the Legislature has made admissible evidence that ‘is relevant to prove that any such special damages were paid for or are payable by, in whole or in part, insurance which is not subject to subrogation and which was not purchased privately, in whole or part . . . or were paid for, or are payable by, in whole or in part, state or federal governmental programs not subject to subrogation.’ SDCL 21-3-12.” <i>Papke v. Harbert</i> , 738 N.W.2d 510, 531 (S.D. 2007).		Yes. If a party makes an effective election and both parties agree or a timely objection is not filed, or if a timely objection is filed but the claimant can prove future damages are in excess of \$200,000. South Dakota Codified Laws §§ 21-3A-1 and 21-3A-13.
Tennessee	\$750,000 cap for noneconomic damages for all injuries and occurrences in an action, including health	Only in the following actions: (1) in a civil conspiracy when two or more at fault defendants act in concert; and	In all health care liability actions, the common law collateral source rule is abrogated as specified in this section. In a health care liability action, damages awarded may include past and future actual economic	Yes. Attorney compensation shall be awarded by the court;	

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	<p>care liability actions. The limit on noneconomic damages applies regardless of if the action is based on a single act or omission or on a series of acts or omissions. The cap shall include actions by the plaintiff as well as derivative (%), in which case recovery for any damages barred claims by a spouse or child of the claimant, including loss of consortium. The limit on compensation for noneconomic damages may increase to \$1 million in cases of catastrophic loss or injury, which may include:</p> <ul style="list-style-type: none">(1) spinal cord injuries resulting in paraplegia or quadriplegia;(2) amputation of two hands or two feet or one of each;(3) third degree burns covering 40 percent of the body or the face; or(4) wrongful death of a parent with a minor child(ren). <p>The cap shall not apply to personal injury or wrongful death cases when:</p> <ul style="list-style-type: none">(1) the defendant had a specific intent to inflict serious physical injury;(2) the defendant intentionally falsified,	<p>in a product’s claim against a manufacturer on a theory of strict liability or breach of warranty. Tennessee Code § 29-11-107.</p>	<p>losses suffered by the claimant. (A) Past actual economic losses are limited to: (1) The amounts that have been paid or will be paid by the assets of the claimant or on the claimant's behalf; and (B) The amounts the claimant's providers have accepted or will accept as full payment for reasonable and necessary medical care, rehabilitation services, or custodial care, whether pursuant to: (1) An agreement with an insurance company or third-party payor; (2) The authorized reimbursement rates for a government health insurance program in which the claimant and the provider participate; or (3) Any charity, discount program, write-off, gift, or other reason by the provider. Tennessee Code Annotated § 29-26-119. SB 2253 (2024).</p>	<p>but may not exceed 33 1/3% of total damages. Tennessee Code § 29-26-120.</p>	

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	destroyed or concealed records containing material evidence for the purpose of evading liability in the claim; or (3) the defendant was under the influence of alcohol, drugs or other intoxicant or stimulant resulting in substantial impairment and causing the injury or death. Tennessee Code § 29-39-102.				
Texas	\$250,000 cap on noneconomic damages for judgments against physicians and health care providers; additional \$250,000 cap on noneconomic damages for judgment against first health care institution; \$250,000 cap on noneconomic damages if judgment made on any subsequent health care institution. Texas Civil Practice & Remedies Code § 74.301.	Yes. Named defendants are held responsible only for the portion of fault attributable to them, unless a defendant is more than 51% at fault. Texas Civil Practice & Remedies Code § 33.013(a).	Texas Civil Practice & Remedies Code Section 41.0105 states “[i]n addition to any other limitation under law, recovery of medical or health care expenses incurred is limited to the amount actually paid or incurred by or on behalf of the claimant.” <i>Haygood v. De Escobedo</i> , 356 S.W.3d 390 (Tex. 2011) (holding collateral source rule applies under Texas statute, but plaintiff may not recover more than actual expenses).		Yes. Court must order payment of periodic damages if the present value of damages in case equals or exceeds \$100k. Texas Civil Practice & Remedies Code §§ 74.501 through 74.507.
Utah	Since 2010 Utah has had a \$450,000 for noneconomic damages. Utah Code § 78B-3-410. The Utah Supreme Court has ruled that noneconomic damage caps in wrongful death cases are unconstitutional. <i>Smith v. United States</i> , 356 P.3d 1249 (Utah 2015).	Yes. Defendants are responsible only for their proportionate share of negligence. Utah Code § 78B-5-818. Except potentially in products cases between the manufacturer, distributors, and sellers of allegedly defective products. See <i>Bylsma v. R.C. Willey</i> , 2017 UT 85, 416 P.3d 595 (2017).	(A)(1) Economic damages are based on amounts that the plaintiff or a third party insurer, whether public or private, actually paid for medical expenses related to the injury at issue; and (2) if a plaintiff did not have insurance to pay medical expenses the court may award economic damages for amounts the plaintiff actually paid or owes for medical care resulting from the loss. (B) The court may not calculate an award of economic damages based solely on amounts indicated on a medical bill or invoice. Utah Code Annotated § 78B-3-405.5. HB 503 (2025).	Yes. Total compensation may not exceed 1/3 of total damages. Utah Code § 78B-3-411.	Yes. Any party may request periodic payments, and the court must order such payments if future damages exceed \$100,000. Utah Code § 78B-3-414.

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
Vermont	None.	No. Each party is jointly and severally liable. Vermont Statutes § 1036.	The collateral source rule applies. <i>See Windsor School Dist. v. State</i> , 956 A.2d 528 (Vt. 2008).		
Virginia	Beginning July 1, 2024, \$2.65 million cap on total damages. Cap will increase by \$50,000 per year starting until the increases stop at \$3 million for claims after July 1, 2031. Virginia Code § 8.01-581.15.	No. Each party is jointly and severally liable. Virginia Code § 8.01-443.	Under Virginia Code § 38.2-2201, recovery of “incurred” expenses are permitted under Medical Payments Coverage. An expense is not considered incurred if it is reduced by write-off, paid by a health insurer, or subject to the provider’s charitable forgiveness.		Yes, but not mandatory. Virginia Code § 8.01-424.
Washington	None.	Joint and several liability arises only in the following actions: “(1) where the plaintiff is not at fault, (2) where defendants act in concert, (3) a person acted as an agent or servant of a party, or (4) in certain other instances involving hazardous materials or substances, “tortious interference with contracts or business relations,” and “the manufacture or marketing of a fungible product in a generic form.” Rev. Code Wash. § 4.22.070	The collateral source rule generally applies. <i>Johnson v. Weyerhaeuser Co.</i> , 953 P.2d 800 (Wash. 1998). However, any party may present evidence to the trier of fact that the plaintiff has already been compensated for the injury complained of from any source except the assets of the plaintiff, the plaintiff’s representative, or the plaintiff’s immediate family. In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation and evidence of any amount paid by the plaintiff, or his or her representative or immediate family, to secure the right to the compensation. Revised Code of Washington § 7.70.080.	Court shall determine the reasonableness of each party’s attorneys’ fees. Revised Code of Washington § 7.70.070.	Yes. Any party may request periodic payments, and the court must order such payments if future economic damages exceed \$100,000. Revised Code of Washington § 4.56.260.
West Virginia	\$250,000 cap on noneconomic damages per occurrence. \$500,000 cap on noneconomic damages for cases involving (1) wrongful death, (2) permanent and substantial physical deformity, loss of use of limb or loss of a bodily organ system, or (3) permanent physical or mental functional injury that permanently prevents the injured person from being able to	Only in the following actions: (1) defendants consciously conspire to commit a tortious act; (2) alcohol or drug influenced driving; (3) criminal conduct; (4) an illegal disposal of hazardous waste; and (5) in cases against political subdivisions or its employee as to each defendant who bears twenty-five percent or more negligence, and (6) defendants who have the same liability on an instrument as makers, drawers, acceptors, indorsers, etc. West Virginia Code § 55-7- 13c(h); West	Yes. The defendant may introduce evidence of collateral sources of payment – both past and future (see West Virginia Code § 55-7B-9a for details) – into evidence and the plaintiff may introduce evidence of payments made to secure such benefits. The court must reduce the award by the amount the plaintiff recovered from collateral sources offset by any payments or contributions made to secure such benefits.		

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	<p>independently care for himself or herself and perform life sustaining activities. Adjusted annually for inflation, but the \$250,000 cap shall not exceed \$375,000 and the \$500,000 cap shall not exceed \$750,000.</p> <p>\$500,000 cap on liability due to emergency care conducted in trauma centers. The cap also applies to any act/omission in rendering continued care or assistance in the event that surgery is required as a result of the emergency condition within a reasonable time after the patient’s condition is stabilized. Cap does not apply to willful/wanton misconduct or actions in violation of protocols developed by the Office of Emergency Medical Services or recognized standards for triage and emergency health care procedures. West Virginia Code § 55-7B-8.</p>	<p>Virginia Code § 29-12A-7; and West Virginia Code § 46-3-116.</p>			
Wisconsin	<p>\$750,000 noneconomic damages for medical negligence.</p> <p>A wrongful death action may be brought jointly with a negligence action. Wrongful death actions are capped at</p>	<p>Yes. Defendants are responsible only for their proportionate share of negligence if they are less than 51% at fault unless a defendant acted as part of a common scheme or plan. Wisconsin Statutes § 895.045(1)-895.045(3).</p>	<p>Evidence of collateral source payments is admissible under sub. (7) only if the evidence is relevant. In a medical malpractice action, evidence of collateral source payments is relevant if it is probative of any fact that is of consequence to the determination of damages. <i>Weborg v. Jenny</i>, 341 Wis. 2d 668, 816 N.W.2d 191 (2021). Wisconsin Statutes § 893.555.</p>	<p>Yes. As follows: 33 1/3% of the first \$1 million, or 25% if certain procedural timeframes are met; 20% of amounts exceeding \$1 million.</p>	<p>Yes. If future medical expenses are expected to exceed \$100,000. Wisconsin Statutes § 655.015.</p>

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
	\$500,000 per occurrence for minors and \$350,000 per occurrence for adults. Wisconsin Statutes § 893.55(4).			Court has discretion to increase fees. Wisconsin Code § 655.013.	
Wyoming	Constitution prohibits caps.	Yes. Defendants are responsible only for their proportionate share of negligence. Wyoming Statutes § 1-1-109.	The collateral source rule applies, but only in tort cases. <i>Miller v. Campbell Co.</i> , 901 P.2d 1107 (Wy. 1995).	<p>Wyoming Contingent Fees Rule 5 Court review.</p> <p>a. It is recognized that contingent fees vary in amount depending upon those factors which are described in paragraph (f) of this rule and that a common contingent fee in casualty and wrongful death cases is 33⅓ % of amounts recovered prior to appeal and 45-50% of amounts recovered on appeal.</p> <p>Contingent fees which do not exceed the following schedule will be presumed to be reasonable and not excessive where the total recovery does not exceed one million dollars (\$1,000,000):</p> <p>(1) 33⅓ % of the recovery if the claim is settled prior to or within</p>	

State	Damage Caps	Joint Liability Reform	Collateral Source Reform	Attorney Fees Limited	Periodic Payments Permitted
				<p>sixty (60) days after suit is filed;</p> <p>(2) 40% of the recovery if the claim is settled more than sixty (60) days after filing suit or if a judgment is entered upon a verdict.</p> <p>b. For those amounts of a recovery in excess of one million dollars (\$1,000,000) a contingent fee of 30% of such excess sum over one million dollars (\$1,000,000) shall be presumed reasonable and not excessive.</p> <p>c. The provisions of this rule are not intended to abridge the freedom of the attorneys and clients to contract for different percentages.</p>	